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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/681,488
Filing Date: April 16, 2001
Appellant(s): GAVRILESCU ET AL.

Stephen Bishop
Registration No. 38,829
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 29, 2007 appealing from the Office action mailed May 27, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

GROUND OF REJECTION NOT ON REVIEW

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief. The appellant is not appealing the rejection of claim 37.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The Examiner relied upon Fin et al. (U.S. Patent No. 6,240,444), Quatrano et al. (U.S. Patent No. 6,675,216), Gudjonsson et al. (U.S. Patent No. 6,564,261), Anupam et al. (U.S. Patent No. 6,535,912), and Kumar et al. (U.S. Patent No. 6,006,253).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 10-13, 15, and 17-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fin et al., U.S. Patent No. 6,240,444 further in view of Quatrano et al., U.S. Patent No 6,675,216.

Fin teaches the invention substantially as claimed including multiple users sharing the same HTML page on the Internet (see abstract).

As to claims 1, 23, and 30, Fin teaches a method for a first user to cobrowse a plurality of pages formatted according to one or more markup languages and organized into one or more web sites with a second user comprising:

initiating a cobrowsing session between a first client of the first user and a second client of the second user (col. 3, lines 24-35, Fin discloses one client collaborating with another client which needs an initiation);

browsing a web site on the first client by the first user (col. 3, lines 24-41, Fin discloses a client browsing information on the WWW);

sending a synchronization message by the first client to the second client; the synchronization message indicating at least one command (col. 3, lines 27-35);

receiving the synchronization message by the second client (col. 3, lines 27-35, Fin discloses one client collaborating with another client which needs a synchronization); and,

cobrowsing the web site on the second client by the second user in accordance with the synchronization message (col. 3, lines 27-35, Fin discloses a sharing client

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viewing the web page controlled by the source client which is done in accordance with a necessary synchronization message).

Fin fails to teach the limitation further including the use of a cookie of the web site.

However, Quatrano teaches systems and methods for collaborating over the Internet in which two or more participants can share dynamic content generated by a web site server (see abstract). Quatrano teaches the use of cookies used for web sites transmitted between collaborative computing devices (col. 5, lines 12-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fin in view of Quatrano to use a cookie of web site when cobrowsing. One would be motivated to do so because it helps ensure that the user of the second client is seeing the same web pages as the user of the first client.

Regarding claims 2, 24, and 31, the method of claims 1, 23, and 30, further comprising repeating browsing on the first client, sending the synchronization message by the first client, receiving the synchronization message by the second client, and cobrowsing on the second client until the cobrowsing session is terminated (col. 3, lines 27-35; col. 15, lines 58-60, Fin discloses a web collaboration being terminated).

Regarding claim 3, the method of claim 1, wherein initiating the cobrowsing session between the first client of the first user and the second client of the second user

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is in accordance with a preexisting protocol (col. 4, lines 35-37, Fin discloses the use of a TCP/IP protocol for communication among clients).

Regarding claims 5, 25, and 32, the method of claims 1, 23, and 30, wherein browsing the web site on the first client by the first user comprises browsing a new page of the web site, such that the synchronization message indicates the current page being navigated as the new page (col. 15, lines 7-33, Fin discloses a request to display a Web document that the sending user opens).

Regarding claim 6, the method of claim 5, wherein cobrowsing the web site on the second client by the second user comprises opening a new browser window for the current page where no other browser window is open for the cobrowsing session on the second client (col. 15, lines 34-49, Fin discloses a new browser window being opened to allow the same Web document as the first client to be displayed).

Regarding claims 7, 26, and 33, the method of claims 1, 23, and 30, wherein browsing of the web site on the first client by the first user comprises scrolling within the current page at least one of vertically and horizontally such that the current relative position on the current page being navigated and viewed is changed, such that the synchronization message indicates the current relative position as changed, causing cobrowsing the web site on the second client by the second user to correspondingly

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scroll within the current page (col. 15, lines 62-67; col. 16, lines 1-22, Fin discloses the receiving clients having the same state of the Web browser as the sending client).

Regarding claim 8, the method of claim 7, wherein the current relative position on the current page being navigated is indicated in accordance with a preexisting model specifying page layout (col. 15, lines 62-67; col. 16, lines 1-22).

Regarding claims 10, 27, and 34, the method of claims 1, 23, and 30, wherein the group of commands further comprises a portion of the current page being highlighted by the first user on the first client, such that the synchronization message indicates the portion of the current page being highlighted, causing cobrowsing the web site on the second client by the second user to correspondingly highlight the portion of the current page (col. 17, lines 4-27, Fin discloses the sharing of data from input devices among clients).

Regarding claims 11, 28, and 35, the method of claims 1, 23, and 30, wherein the group of commands further comprises a change of focus from a first browser window to a second browser window by the first user on the first client, such that the synchronization message indicates the change of focus, causing cobrowsing the web site on the second client by the second user to correspondingly change focus from a first browser window on the second client to a second browser window of the second

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client (col. 19, lines 34-38, Fin discloses a new window opened on the first client will open the same document on the second client).

Regarding claims 12, 29, and 36, the method of claims 1, 23, and 30, wherein the group of commands further comprises a resizing of a browser window by the first user on the first client, such that the synchronization message indicates the resizing, causing cobrowsing the web site on the second client by the second user to correspondingly resize a browser window on the second client (col. 15, lines 62-67; col. 16, lines 1-22).

Regarding claim 13, the method of claim 1, wherein sending the synchronization message and receiving the synchronization message are received in accordance with a preexisting protocol (col. 3, lines 24-35).

Regarding claim 15, the method of claim 1, wherein the synchronization message is formatted in accordance with an extension to a preexisting protocol (col. 4, lines 32-43; col. 3, lines 24-35).

Regarding claim 17, the method of claim 1 further comprising terminating the cobrowsing session (col. 15, lines 58-60).

Regarding claim 18, the method of claim 1 further comprising passing control of the cobrowsing session from the first client of the first user to the second client of the

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second user (col. 17, lines 10-27, Fin discloses a client other than the first one being the source to collaborate with).

Regarding claim 19, the method of claim 18, wherein the group of commands further comprises a transfer of control of the cobrowsing session from the first client to the second client, such that the synchronization message indicates the transfer of control (col. 17, lines 10-27, Fin discloses a client other than the first one being the source to collaborate with; where transfer of control and a synchronization message would be inherent).

Regarding claim 20, the method of claim 18, wherein the group of commands further comprises a request to obtain control of the cobrowsing session by the second client from the first client, such that the synchronization message indicates the request to obtain control (col. 17, lines 10-27, Fin discloses a client other than the first one being the source to collaborate with; where request to obtain control would be inherent).

Regarding claim 21, the method of claim 18, further comprising:

browsing a web site on the second client by the second user (col. 17, lines 10-27; Fin discloses a client other than the first one browsing a web site; col. 3, lines 24-41);

sending a synchronization message by the second client to the first client, the synchronization message indicating at least one commands elected from the group of commands comprising: a current page of the web site being browsed on the second

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client by the second user and a current relative position on the current page being navigated and viewed by the second user on the second client (col. 17, lines 10-27; col. 3, lines 24-41);

receiving the synchronization message by the first client (col. 17, lines 10-27; col. 3, lines 24-41); and,

cobrowsing the web site on the first client by the first user in accordance with the synchronization message (col. 17, lines 10-27; col. 3, lines 24-41).

Regarding claim 22, the method of claim 21, further comprising repeating browsing on the second client, sending the synchronization message by the second client, receiving the synchronization message by the first client, and cobrowsing on the first client until the cobrowsing session is terminated (col. 17, lines 10-27; col. 15, lines 58-60).

3. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fin and Quatrano further in view of Gudjonsson et al., U.S. Patent No. 6,564,261.

Fin teaches the invention substantially as claimed including multiple users sharing the same HTML page on the Internet (see abstract). Quatrano teaches the invention substantially as claimed including systems and methods for collaborating over the Internet in which two or more participants can share dynamic content generated by a web site server (see abstract).

As to claims 4 and 14, Fin and Quatrano teach the method of claims 3 and 13.

Fin and Quatrano fail to teach the limitation further including the use of a Session Initiation Protocol (SIP) for a preexisting protocol.

However, Gudjonsson teaches a system and method of establishing communication sessions between users as a function of their availability and/or communication device(s) (see abstract). Gudjonsson teaches the use of Session Initiation Protocol (SIP) in a communication session (col. 12, lines 55-67; col. 13, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fin and Quatrano in view of Gudjonsson to use a Session Initiation Protocol (SIP). One would be motivated to do so because Session Initiation Protocol (SIP) is a well-known and efficient protocol that is used in sessions with one or more participants.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fin and Quatrano further in view of Anupam et al., U.S. Patent No. 6,535,912.

Fin teaches the invention substantially as claimed including multiple users sharing the same HTML page on the Internet (see abstract). Quatrano teaches the invention substantially as claimed including systems and methods for collaborating over the Internet in which two or more participants can share dynamic content generated by a web site server (see abstract).

As to claim 9, Fin and Quatrano teach the method of claim 8.

Fin and Quatrano fail to teach the limitation further including the use of a Document Object Model (DOM) for a preexisting model.

However, Anupam teaches a method for creating and playing back a smart bookmark that automatically retrieves a requested web page through a plurality of intermediate web pages (see abstract). Anupam teaches the use of Document Object Model as a page layout model (col. 5, lines 25-67; col. 6, lines 46-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fin and Quatrano in view of Anupam to use a Document Object Model. One would be motivated to do so because DOM is a standard in page layout specification models, which makes cobrowsing more accurate and efficient.

5. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Fin and Quatrano further in view of Kumar et al., U.S. Patent No. 6,006,253.

Fin teaches the invention substantially as claimed including multiple users sharing the same HTML page on the Internet (see abstract). Quatrano teaches the invention substantially as claimed including systems and methods for collaborating over the Internet in which two or more participants can share dynamic content generated by a web site server (see abstract).

As to claim 16, Fin and Quatrano teach the method of claim 15.

Fin and Quatrano fail to teach the limitation further including the use of a Session Description Protocol (SDP) for a preexisting protocol for the synchronization message.

However, Kumar teaches a method and apparatus to provide a back channel for receiver terminals in a loosely coupled conference (see abstract). Kumar teaches the use of SDP to encode the conference announcement.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fin and Quatrano in view of Kumar to use a Session Description Protocol as a protocol for the synchronization message. One would be motivated to do so because it is a well-known protocol that efficiently encodes information about sessions.

6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fin et al., U.S. Patent No. 6,240,444, in view of Quatrano et al., U.S. Patent No 6,675,216, further in view of Anupam et al., U.S. Patent No. 6,535,912.

Fin teaches the invention substantially as claimed including multiple users sharing the same HTML page on the Internet (see abstract).

As to claim 37, Fin teaches a method for cobrowsing a plurality of pages formatted according to one or more markup languages and organized into one or more web sites, comprising:

initiating a cobrowsing session between a first client and a second client (col. 3, lines 24-35, Fin discloses one client collaborating with another client which needs an initiation);

browsing a web site on the first client (col. 3, lines 24-41, Fin discloses a client browsing information on the WWW);

sending a synchronization message by the first client to the second client, the synchronization message indicating at least one command comprising indications of the determined action, the at least one command for causing the second client to cobrowse in accordance with the synchronization message (col. 3, lines 27-35, Fin discloses one client collaborating with another client which needs a synchronization and a sharing client viewing the web page controlled by the source client which is done in accordance with a necessary synchronization message).

Fin fails to teach the limitation further including the use of a cookie of the web site and the use of a document object to model an action performed at the first client.

However, Quatrano teaches systems and methods for collaborating over the Internet in which two or more participants can share dynamic content generated by a web site server (see abstract). Quatrano teaches the use of cookies used for web sites transmitted between collaborative computing devices (col. 5, lines 12-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fin in view of Quatrano to use a cookie of web site when cobrowsing. One would be motivated to do so because it helps ensure that the user of the second client is seeing the same web pages as the user of the first client.

Fin and Quatrano fail to teach the limitation further including the use of a document object to model an action performed at the first client.

However, Anupam teaches a method for creating and playing back a smart bookmark that automatically retrieves a requested web page through a plurality of

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intermediate web pages (see abstract). Anupam teaches the use of Document Object Model as a page layout model (col. 5, lines 25-67; col. 6, lines 46-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fin and Quatrano in view of Anupam to use a Document Object Model. One would be motivated to do so because DOM is a standard in page layout specification models, which makes cobrowsing more accurate and efficient.

(10) Response to Argument

The Examiner summarizes various points raised by the Appellant and addresses replies individually.

Sections A and B of the arguments set forth in the Appeal Brief are an introduction and summary of the references. Accordingly, there are no arguments for the Examiner to respond to with respect to these sections of the Appeal Brief.

With regards to section C of the appeal brief, the Appellant argues that the combination of Fin and Quatrano does not disclose cobrowsing using a shared cookie.

In response, the examiner respectfully disagrees:

The Appellant argues each reference separately and does not view the rejection as a combination of two references. The rejection of independent claims 1, 23, and 30 is a combination of Fin and Quatrano. Fin discloses all of the elements of the independent claims except for the use of a cookie. Quatrano discloses the use of

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cookies used for web sites transmitted between collaborative computing devices. The combination of Fin and Quatrano is what discloses sharing an indication of a cookie for purposes of enabling access to a web site that is being cobrowsed.

Sections D, E, F, and G are not responded to separately. The Board's attention is directed to the response of C, as the arguments in sections D, E, F, and G are all regarding the combination of Fin and Quatrano in claims 1, 23, and 30.

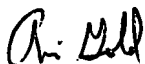
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

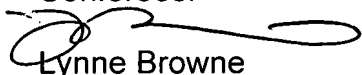
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Avi Gold

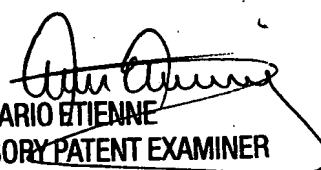


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